

FILED

United States District Court  
Northern District of Indiana  
Hammond Division

2014 APR -4 AM 10:14

David A Scott Jr.  
Plaintiff(s)

CLERK OF DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

Lear Corporation, Darrell Harper  
Larry Payne, Barbara Sacha,  
Ryan Bruckner  
Defendant(s)

Case No:

**2:14CV 107****EMPLOYMENT DISCRIMINATION COMPLAINT**

Plaintiff brings a complaint against defendant Lear Corporation  
for discrimination as set forth below.

Plaintiff ☒ DOES ☐ DOES NOT (indicate which) demand a jury trial.

**I. PARTIES**

Plaintiff's Name: David A Scott Jr

Plaintiff's Address: 3419 Indiana Harbor Dr. Apt 207  
East Chicago In 46312

Plaintiff's Telephone: <sup>(H)</sup> (219) 397-1109 <sup>(C)</sup> (219) 276-7377

Defendant's Name: Ryan Bruckner  
Lear Corp, Darrell Harper, Larry Payne Jr, Barbara Sacha

Defendant's Address: 1401 165<sup>th</sup> Street Hammond In 46320

21557 Telegraph Rd. Southfield MI 48033

## II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to: (Check one)

☐ Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ Other (list): Wrongful termination, Sex discrimination  
Retaliation and harassment

2. Plaintiff ☒ DID ☐ DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. [If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].

3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was RECEIVED on or about 3-22-2014 (insert date the plaintiff received the notice – in most instances this will not be the same date stamped on the notice). [Plaintiff should attach a copy of the Notice of Right to Sue to this Complaint].

## III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

The defendants violated my rights  
repeatedly and recklessly only to cause harm.  
I was discriminated against because of my  
sex and disability. I reported the bad acts

**IV. FACTS IN SUPPORT OF COMPLAINT**

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages):

Sex discrimination, American  
disability act, Retaliation, Harassment  
and Wrongful termination are the facts my  
complaint is based on.

1) Sex discrimination because Lear's management  
team treated females better than males by giving

**IV. PRAYER FOR RELIEF**

Based on the foregoing, plaintiff seeks the following relief:

Lost wages and prejudgment interest (all statutes)  
Liquidated/double damages (Title VII and ADA cases  
involving intentional discrimination) Punitive damages  
(Title VII and ADA cases in which the employer acts  
with reckless disregard of the federally protected rights  
of the individual) Compensatory damages

**VI. AFFIRMATION OF PLAINTIFF**

I, David A Scott Jr, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.

David A Scott Jr  
(Signature of Plaintiff)

4-4-2014  
(Date)

III. to my supervisor, human resources, union and the Corporate office but matters only got worse. Since I reported the bad acts that was happening to me the management team retaliated even harder and the harassment started to be every day. I'm entitled to relief because the defendants committed sex discrimination, violated my rights under the ADA act and wouldn't allow me to work because of my disability restriction and wrongfully terminated me for reporting all their bad act.

IV. them better jobs, proper medical treatment, work restrictions while disable, job rotation, bath room and water breaks and not being written up or terminated for committing the same acts as males. Lear's management team of supervisors and formans are all males and they use their position to get sexual acts from the females.

2) American Disability Act because Lear's team of supervisors, formans and Human Resources was fully aware of my work related injuries which made me disable to use my right arm and was placed on a permanent light duty and could only work 8 hours a day by the guide lines from the FCE test and the US Dept of Labor Physical Demand Level. I was injured in 2011 at work and was placed on permanent light duty

but I was allowed to work. The defendants violated my disability and my restrictions repeatedly but in 2012 when I was injured at work due to their continuous bad acts and lies they put me on a job that was not light duty so they tried to cover the injuries up and deny me medical treatment. The defendants didn't stop there they wouldn't allow me to work because a doctor put me on work restriction and their policy don't allow employees who are being treated by doctors who is not a company doctor or have a personal injury may not return to work unless he or she has no restrictions and able to work full duty. Well being that I was injured at work and it was a pending workers comp claim and my restrictions were the same as my 2011 injury and I was allowed to work and my restriction was "permanent" light duty the defendants clearly violated my rights under the ADA act only to cause harm and in retaliation of me reporting their bad acts. I was denied FMLA, Workers Comp and proper medical treatment to finally be approved for a IME that proves I was injured and my injuries were work related to still be denied medical care or benefits in a timely manner. →



but defendants violated my restrictions repeatedly and recklessly which caused more injuries and refusal for medical treatment. The defendants continued their bad act by forcing me to work over the 8 hour a day requirements allowed for my perminate light duty restriction. The defendants break their own policies and violate safety rules while trying to cause harm. The defendants also refused me work because of my disability and being on or having a restriction from a work related accident. The defendants tried to cover up the work related injuries that was pending threw workers comp by placing me on medical leave and refusing to give me or send the proper forms so the doctor could fill out.

- 3) Wrongful termination because while the defendants tried to cover up all their bad acts and didnt want any one to know that they put me on a job that was not light duty and I was injured again, they tried to hide the facts. Since the defendants refused to allow me to work they later came up with I violated the medical leave policy and terminated my employment while my pending workers comp claim with a IME doctor determined that I was injured and I needed further treatment. The defendants had their company doctors lie, misdiagnosis, and change medical notes only to cheat injured employees and commit fraud to save the company money. →

On April 23, 2013 the defendants wrongfully terminated the plaintiff because of medical leave that they put me on because of a pending work related injury and wouldn't allow me to return to work under their policy so a grievance was filed on my behalf on the 24<sup>th</sup> of April 2013 but no steps or meetings were held for 320 day and no contact to myself but straight to mediation and a denial of my grievance and being told that there no other steps after mediation except to agree to this \$4,000 settlement agreement and drop all pending charges I have against the defendants and the union. My grievance was for being terminated for medical leave and didn't have anything to do with my other complaints or charges but defendants still tried to bribe me because they knew of my medical condition and myself not being employeed.

David Scott

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **David Scott**  
**3419 Indiana Harbor Dr.**  
**Apt. 207**  
**East Chicago, IN 46312**

From: **Indianapolis District Office**  
**101 West Ohio St**  
**Suite 1900**  
**Indianapolis, IN 46204**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**470-2013-02513****Michelle D. Ware,**  
**Enforcement Supervisor****(317) 226-5161**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**Webster N. Smith,**  
**Director**

**MAR 19 2014**

(Data Mailed)

Enclosures(s)

cc: **Lear Corporation**  
**c/o Christopher P. Mazzoli**  
**Bodman PLC**  
**Suite 500**  
**201 W Big Beaver Road**  
**Troy, MI 48064**



**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

**470-2013-02513**

**Indiana Civil Rights Commission**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. David Scott**

Home Phone (Incl. Area Code)

**(219) 397-1109**

Date of Birth

**11-28-1966**

Street Address

City, State and ZIP Code

**3419 Indiana Harbor Dr., Apt. 207, East Chicago, IN 46312**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**LEAR CORPORATION**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(219) 853-8145**

Street Address

City, State and ZIP Code

**1401 165<sup>th</sup> Street**

**Hammond, IN 46320**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE
 ☐ COLOR
 ☒ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN  
☒ RETALIATION
 ☐ AGE
 ☒ DISABILITY
 ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**08-30-2012**

**04-23-2013**

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I had been employed by Lear Corporation since October 15, 2010, where I last held the position of Production Assembler. During my period of employment I sustained a work place injury and was required to work light duty assignments. Respondent, however, denied me a reasonable accommodation and continued to place me on jobs that would further exacerbate my medical condition. On April 23, 2013, I was terminated from employment because I complained to management about my treatment and the fact that Respondent afforded female employees with injuries/medical conditions more favorable treatment than male employees.

Based upon all of the above, I believe I have been discriminated against in violation of the Americans with Disabilities Act of 1990, as amended. I further believe I have been discriminated against because of my sex, and retaliated against because I made protected complaints, all in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

8-11-2013 